

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, February 8, 2010

Immediately Following Previous Committee or

7:20 PM

Council Committee Rooms

Committee of the Whole

Shane Ewald, Chair

Beryl D. Anderson

Thomas C. Evers

Thomas R. Kneeland

John R. McAlister

Nancy R. McGregor

David L. Samuel

Members Absent: Thomas C. Evers and Beryl D. Anderson

Members Present: Shane W. Ewald, John McAlister, Nancy R. McGregor, Thomas R. Kneeland and David L. Samuel

Additional Attendees:

Karl Wetherholt; Mike Andrako; Angel Mumma; Jennifer Teal; Grant Reveal; Chief Murphy; General Williams; Terry Emery; Dottie Franey; Brandi Braun; Sadicka White; Tom Weber; Isobel Sherwood; Brian Hoyt; from the Civil Service Commission David Schroeder and Stephen Renner; Press

From Prior Committee Night:

2009-0051

Recommendation from Civil Service Commission for approval of revised Rules & Regulations dated December 1, 2009.

Ewald called the meeting to order; said he would like to thank Renner and Schroeder for coming in to represent Civil Service; we put this item back on the agenda for additional discussion by Council after we had time to review it; I felt it was a very thorough update Kneeland said I think we should keep it on the agenda; I understand that a lot of time went into it; we want to get questions answered from the Administration, and we want to take the best advantage of the work that was done. McAlister said he appreciated all the work that went into it. McGregor said I found a typo; I will give that to Sherwood; I really appreciated all the work that went into this as well; this is at least 55 pages; every section has stuff deleted or added. Samuel said so corrections can still be done. Ewald said yes; prior to passing the legislation. Weber said we would provide a clean copy to adopt this; the question is, does Council have substantive matters that need discussion and may require changes; the clerical errors can be taken care of internally.

Ewald ask if the Civil Service Board Members had anything else to add or any comments or items to point out. Schroeder said nothing outside of the document that has been presented for review; we hope the details are easy to read and on target. Renner said we are anxious to get Council's input and approval; if you are going to make any substantive changes, please copy us so we know. Sherwood said on pages 29 and 30, Sections 8.04 and 8.05, Treadway, Jernigan, and I revised 8.04 about the interim temporary appointment because there could be other reasons for a temporary appointment. Renner said so does it now have to go back to the Civil Service agenda. Ewald said not if it is just those 2 sections.

Kneeland said are these our current rules or are we operating under the old rules. Weber said these have not been adopted; these are proposed changes so we are operating under old rules; it may seem like we are using these new rules because some practices followed by Human Resources had raised these issues; some of their practices are reflected in the rule changes and some are not; rule 4 Charter change I am happy about; it looks good and it was what I was most concerned about; I don't know what other comments Treadway has and she is not here; she is at a convention; we also have 2 Council members not present for this discussion. Ewald said so we should bring it back to another committee. Weber said that is a good idea but have it at a time when all can be present. Kneeland said but there may not be any questions. Ewald said we have Civil Service members email addresses; or we could contact the Clerk or City Attorney since email is a public record; then the changes could come back to committee.

Weber said I have a question for rule 4.07, I have trouble understanding the language; the wording about the passing score was not as clear as it could be. Schroeder said we presented this to Council several weeks ago and at this time, things are just being discussed; our hope was, as it was discussed by Council, you would make a summary of the comments; then we would be glad to entertain and respond to any suggestions that Council has and we would get back to you with a good copy. McGregor said there has been a lot taken out; how many pages is this. Sherwood said 61 pages with strike throughs; it is probably down to 45 pages. Ewald said thanks again to the board members for being here. Schroeder said we look forward to receiving any comments and suggestions.

Held in Committee

ISSUES - From Director of Public Service:

Service Department Presentation

Emery introduced the Service Department's presentation; we will do a Power Point with 2009 accomplishments and 2010 goals; a copy of the presentation was provided to Council Members and is available in the Council Office; please hold questions until the end.

Questions:

McAlister said if we get 25 years from a street, how long does a bike path last. Andrako said they have required maintenance same as a street; we have studied the average life of streets but we don't have a lot of historical data for paths; I see them lasting 15 or 20 years; Woodside Green lasted 25 years; we resurfaced it 2 years ago. McAlister said so it is a pretty good investment if we get 25 years. Wetherholt said I am right by the Olentangy Bike Path and would say Andrako is right on with his estimate.

Samuel asked when will the Fleet Run project be revisited. Emery said we have no problem with it, but the residents there have said things are not that bad; they don't want us to do a project yet; we have plenty to do in other areas since the residents say it's not that bad.

Samuel said how does this weather affect streets. Andrako said it's not good; we had a Fed Ex driver 2 weeks ago when it was below freezing, the roads had buckled; he had a delivery on Heil Drive and he said he wouldn't deliver there until the bumps went down; we could go in and fix them but when we mill off the bumps it destroys the road; but the older streets do this every year; the bumps go back down when it warms up; we get a lot of calls but permanent damage is minimal; eventually we will have to rebuild. Franey said pot holes are really bad as well.

Kneeland said in thinking about the Stormwater Utility, if we didn't have the need for stormwater maintenance, we wouldn't have so many parks; they are tied together; look at Rice and Sycamore; they play key roles and it is good for the Stormwater Utility and the community to see how that came about. Emery said it is because of Council's support of our projects; Stormwater Utility money brings in a million a year that would have otherwise come out of the General Fund.

Kneeland asked Emery what is your next biggest challenge. Emery said dealing with the challenges of stormwater coming in from outside our jurisdiction; trying to get them to participate at a level to allow us to contain it; we are trying to work through it with the City of Columbus; Gahanna's initial challenge is to monitor that; then McKenna Creek. Samuel said any other challenges for 2010. Emery said in the past, Street Funds enabled us to continue our streets programs; we are fearful if we get too far behind it will be difficult to catch up; we are borrowing from future years as they don't wait for us; we have streets that were built after 1985 that have never had overlays and have not been dealt with; not maintained at all; we are not doing a program this year but we will have to catch up eventually.

ISSUES - From Clerk of Council:**2010 Codification**

Sherwood said we have received updates for our code books; includes traffic and criminal code updates to keep us current with state law; it is updated online and on the web; I am requesting an ordinance to approve the codification.

Recommendation: 1st Reading, no need to come back; 2nd Reading, Consent Agenda.

Agreement - Board of Elections

Sherwood said the Board of Elections has requested us to allow them to use our building for elections; they have formalized their procedure for use of our building and I have received an agreement for 2010; it would reimburse us \$20 an hour for the hours we are not usually open; we do have to bill them within 10 days of an election; the request is for 2 ordinances for the Mayor to sign agreements for our building and the Senior Center.

Recommendation: 1st Reading, no need to come back; 2nd Reading, Consent Agenda for 2 Ordinances.

Council Rules of Procedure

Sherwood said we had a situation last year when all acting Mayor designees were out of town and we had no acting Mayor without a vote of Council; they asked me to follow up so I prepared an addition to the rules; this follows the same procedure for a presiding officer of a meeting if the President and Vice President are absent; it is section 14.32 of the Rules and Procedure; Weber is OK with it. Ewald said what does presiding officer mean; can we say President of Council to be clear. Sherwood said she could make that change and date it next Tuesday for a Motion Resolution. Kneeland said since this change is to clarify we don't have to hold it for the absent members.

Recommendation: Motion Resolution, Consent Agenda.

Code Amendment - Chapter 155

Sherwood said last November when we were looking at Chapter 155 and discussing an Oath of Office for Employees, it was noticed that Section 155.01 Vehicle Allowance does not match current policy and procedure; this is an ordinance for first reading to correct this.

Recommendation: 1st Reading, no need to come back; 2nd Reading, Consent Agenda.

CURC Board Appointment

The CURC Board (Community Urban Redevelopment Corporation) calls for Council to make appointments; Anderson served a 3 year term that expired on December 31, 2009 so an appointment needs to be made for a new 3 year term. Ewald said do we need names tonight. Kneeland said by the next meeting, I would say. White said the CURC Board has its first meeting toward the end of the first quarter; would be nice to have the appointment by then. Kneeland asked how is the appointment made. Sherwood said I read the appointment instructions but I don't remember how Anderson was appointed. White said I believe she volunteered. Ewald said we can bring this back when she is here then.

Recommendation: Back to Committee.

Revised RCA

Sherwood said all the RCAs attached for my legislation were the new revised form; with this form we can better specify if a supplemental is needed and if the money is appropriated; this is just for your information so you are not surprised by it if you see one. Kneeland said I met with Sherwood about this; it is for internal use for tracking; it is used as a checklist; it is not for Council; it is for the office to manage the work flow.

Appointment Process

Kneeland said Ewald brought up a question about the appointment process for a new Council member; we did obtain an opinion from Weber; Ewald noted the Charter is missing details in a paragraph and is subject to how we are interpreting it. Ewald said my concern was in looking at this, the term is ambiguous; the law director would have to interpret the term; it is plain as to what it means; it is how long the appointment is needed for that is the question; the opinion does not have all the language needed. Sherwood said I looked at the 1981 file; there are no minutes in file and conflicting changes on the ballot; this language is included in both of them. Ewald said the way I read it, the appointment would be until the next election; for instance this seat would be filled until next year; or it could mean this is the year and it should be on a ballot for 2010. Weber said in my opinion this is written in the context that Council members are elected in odd years; the drafters were not trying to change the cycle of elections; I understand it could be interpreted differently; but I am not proposing we do this election in an even year; it was drafted for ward seats and 4 year terms; I understand the language says the next election; but I also understand that there are election cycles; certain positions are done in odd and even years; the cycles were well know when this was drafted and my opinion was rendered with the election cycle in mind; if we go to the Board of Elections they will probably ask me what I think; the intent was not to compel the City to put this on the ballot in a year when it would not usually be done. Ewald said in Section 4.08 it does not say elect this year or next year or if it is for a 2 or 4 year seat; it is not known in 1981 what happened; we just have ambiguous language; the reason I am making a big deal is because this could be challenged down the road if we do it wrong; if we hold the election this year and let the people pick we don't have a grounds for challenges. Weber said we are just interpreting when do we conduct elections; you are looking for plain language of which is the next election. Ewald said we should side with safety. Weber said I can check with the Franklin County Board of Elections. McAlister said you could check with some other municipalities to see if they have had this situation. Kneeland said I read this again; the words needing definition are "general election" and they are used generically; what does this mean; there will be more than 90 days from the resignation to a "general election"; whoever we appoint may have to run this year and in 2011. Weber said I will see what I can find out about it from other sources. Kneeland said I can see how this will drive potential candidates away since they would have to get through 2 elections. Weber said I will check into it; I have provided what I think is the correct legal view but I will do more work. McGregor said why is it 2 paragraphs; if it meant only at the general election it would be 1 paragraph. Weber said they were trying to cover various times people leave; in order to be safe I have agreed to look into this.

Recommendation: Back to Committee with information from Weber.

Meeting Adjourned.

Della Brandenberger, Reporting